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REMARKS

Claims 1-13, 38-41, 49-50 and 51-56 are pending in the present application. Claims 1, 38 and 49 were amended and new claims 51-56 were added as dependent from claim 1. Election of Group I, claims 1-13, 38-41, 49 and 50 and withdrawal of claims 14-37 and 42-48 is affirmed. Reconsideration of the claims is respectfully requested.

Claim 1 was objected to for a couple of wording informalities. Claim 1 has been amended to cure those defects.

Claims 1-5, 8-13, 38-41, 49 and 50 were rejected under 35 USC 102(e) as being unpatentable by Connelly (US 2002/0194585. Claims 6 and 7 were rejected under 35 USC 103(a) as being unpatentable over Connelly and further in view of Stumphauzer, II (US 2003/0014767).

Claims 1, 38 and 49 as amended are now drawn to an interactive entertainment system for retrieving a preferred entertainment file from among a plurality of streaming files based on the user's preferences and directing the entertainment file to a user output device that plays the streaming file. Claims 51-56 as dependent from claim 1 are drawn to particular embodiments for selecting the preferred entertainment for streaming playback. See paragraphs 0025 and 0028-0032 for support.

In Connelly, the server aggregates user rating/rankings and algorithmic ratings/rankings etc. to optimize the broadcast schedule. As stated in para [0028], the broadcast operations center may then "utilize client feedback to construct an ordered list of desired content to send to the client systems on an as-needed basis, or in batches". Each user than uses his/her own ratings/rankings to decide which content to download and cache for time-shifted on-demand playback. As stated in para [0064], "the client selectively stores data files according to a content rating table stored on the client system". Para [0065] describes how new content is rated/ranked compared to content already stored on the client system to decide what content to store. Looking at Figures 9 and 12, these tables provide actions to be taken "replace", "keep", "capture", "receive", and "refuse" for each individual piece of content. Connelly is directed at a system that uses aggregated client feedback to optimize the broadcast schedule and individual client feedback to determine what content each client stores for future "on demand" playback. Connelly does not address selecting one piece of currently streaming content based on a user's preferences to the streaming content across all of a

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plurality of channels for streaming playback of the selected content. Therefore, the rejection of claims 1-5, 8-13, 38-41, 39 and 50 under 35 U.S.C. § 102 has been overcome.
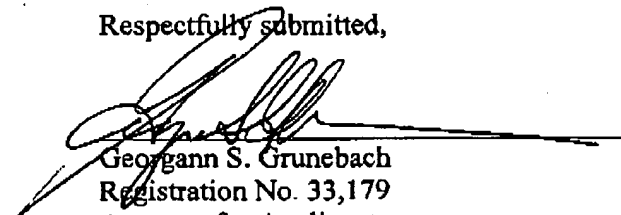
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Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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